

ORDINANCE NO. BL2018-1281

An ordinance to amend Title 2 of the Metropolitan Code of Laws to codify a sexual harassment awareness and training requirement for employees and certain contractors.

WHEREAS, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and the Tennessee Human Rights Act (Tenn. Code Ann § 4-21-101, et seq.); and

WHEREAS, the U.S. Equal Employment Opportunity Commission reports that sexual harassment continues to be a significant workplace problem in the United States; and

WHEREAS, Civil Service Policy 3.1-I of the Metropolitan Government of Nashville & Davidson County provides that harassment of any person in the form of verbal or physical conduct based upon a person's race, gender, color, religion, national origin or disability, creed, gender identity, or sexual orientation will not be condoned; and

WHEREAS, prior executive orders, reaffirmed by Mayor David Briley's Executive Order nos. 001 and 004, require training of all Metropolitan Government employees regarding sexual harassment awareness and prevention; and

WHEREAS, the training of all Metropolitan Government employees is an important measure to enhance the performance of their public duties and to help limit the Metropolitan Government's exposure to civil liability; and

WHEREAS, the requirements for training on sexual harassment awareness and prevention for Metropolitan Government employees should be codified and these requirements should be expanded to certain contractors that have direct contact with Metropolitan Government employees and the public.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Code of Laws is hereby amended by establishing a new Chapter 2.230 – Sexual Harassment Training as follows:

Chapter 2.230 – Sexual Harassment Awareness and Prevention Training

Section 2.230.010 – Training Program.

The Metropolitan Department of Personnel, with the assistance of the Metropolitan Department of Law, and in consultation with the Human Relations Commission, shall maintain a program on sexual harassment awareness and prevention and maintain a plan on presenting this program to all employees of the Metropolitan Government.

Section 2.230.020 – Training.

- A. All employees of the Metropolitan Government are required to participate and complete sexual harassment awareness and prevention training seminar(s) within ninety (90) days of beginning work that shall be conducted under the direction of the Metropolitan Department of Personnel.
- B. Contractors having a contract with the Metropolitan Government for a period more than twelve (12) months and/or valued at over five hundred thousand (\$500,000)

dollars shall be required to provide sexual harassment awareness and prevention training to their employees if those employees:

1. Have direct interactions with employees of the Metropolitan Government through email, phone, or in-person contact on a regular basis;
 2. Have contact with the public such that the public may believe the contractor is an employee of the Metropolitan Government, including but not limited to a contractor with a phone number or email address associated with Metropolitan government or contractors with uniforms or vehicles bearing insignia of the Metropolitan Government; or
 3. Work on property owned by the metropolitan government.
- C. Employees of the Metropolitan Government are required to participate and complete sexual harassment awareness and prevention training every four (4) years during continuous employment with the Metropolitan Government.

Section 2.230.030 – Persons Covered.

This training requirement shall apply to all employees of the Metropolitan Government except employees of Nashville Electric Service, Metropolitan Nashville Airport Authority, Metropolitan Development and Housing Agency, Metropolitan Transit Authority, Metropolitan Sports Authority, Metropolitan Hospital Authority, and non-professional employees of the Board of Health.

Section 2.230.040 – Supervisors Responsible.

Each employee of the Metropolitan Government who acts in a supervisory capacity is responsible for ensuring compliance with this chapter by those persons in his or her line of authority.

Section 2.230.050 – Implementation Schedule.

- A. The Department of Personnel shall be responsible for providing this training to each new employee of the Metropolitan Government within ninety (90) days of the employee's start date.
- B. Contractors must demonstrate to the Department of Personnel a training program that is comparable to the program for Metropolitan employees. Contractors may enter into contracts with the Department of Personnel to utilize the training program for Metropolitan employees. Contractors must train relevant employees within ninety (90) days of effective date of the contract or the employees start date if after the effective date of the contract.

Section 2. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy
Member of Council